Exhibit #3

PACE Local 5-689

P. O. Box 467, Piketon, Ohio 45661

Fax

To: Loretta From: Jane Cales

Fax: 740-289-2126 Pages: 5 + coverpage

Phone: 740-289-2405 Date:

Re: Physicians Panel Rule Comments

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments:

Loretta I request to speak @ Comment Period, on the following Comments. Thank you!

I AM JEANNE CISCO, A PRODUCTION PROCESS OPERATOR FROM THE PORTSMOUTH GASEOUS DIFFUSION PLANT IN OHIO.

THE DOE ADMITTED TO EXPOSING OUR PEOPLE TO TOXIC SUBSTANCES FOR YEARS WITH LITTLE OR NO MONITORING. AT OUR PLANT, EXPOSURE DATA WAS ZEROED. THE DOE LISTENED TO NUMEROUS TEAR-JERKING TESTIMONIES OF OUR PEOPLE AND THEIR WIDOWS AND WIDOWERS. I THINK I CAN UNDERSTAND WHY DOE CHOSE TO HAVE ONE PUBLIC COMMENT ON THIS RULE, MILES FROM OUR PLANT WORKERS.

OUR LEGISLATORS WORKED VERY HARD TO ENACT A LAW TO ASSIST THE WORKERS AND THEIR FAMILIES IN THEIR PLIGHT. THIS LAW WAS SUPPOSED TO RELIEVE THE BURDEN OF PROOF OF THE POTENTIAL CLAIMANT AND TO MINIMIZE THE ADMINISTRATIVE HURDLES OF THE STATE COMPENSATION SYSTEM. IT WAS ALSO SUPPOSE TO EXPEDITE COMPENSATION TO VALID CLAIMS. THE SPIRIT AND INTENT OF THIS LAW WAS PRESENTED TO US BY DOE WITH AN OPEN-ARMED APOLOGY ACROSS THE COUNTRY AND A PROMISE TO ASSIST.

THE PROPOSED PHYSICIAN'S PANEL RULE ANGERS ME, BUT CERTAINLY DOES NOT SURPRISE ME. HAVING WORKED AT THE PORTSMOUTH GASSEOUS DIFFUSION PLANT TWENTY-SEVEN YEARS, I AM WELL AWARE OF THE SELF-REGULATING PRACTICES OF THE DOE. THIS ISN'T THE FIRST TIME I HAVE BEEN TO WASHINGTON IN AN ATTEMPT TO APPEAL TO THE DOE FOR A SENSE OF JUSTICE. OUR MEMBERS PICKETED DOE DURING A LENGTHY HEALTH AND SAFETY STRIKE ASKING FOR INDEPENDENT MONITORING AND INVESTIGATION OF DOE'S SAFETY PROGRAM. WE WERE OBVIOUSLY UNSUCCESSFUL.

AS THE PLANT'S UNION WORKERS' COMPENSATION REPRESENTATIVE, I AM FACED WITH PROVING HOW, WHEN AND WHERE OUR WORKERS WERE EXPOSED TO THESE TOXIC SUBSTANCES THROUGHOUT THE YEARS. WITHOUT KNOWLEDGE OF EXPOSURES, INCIDENT REPORTS ARE FEW. I THINK IT IS IRONTIC THAT DOE IS TO ASSIST

OUR WORKERS IN FILING THESE CLAIMS. OUR LEGISLATORS WERE AWARE THAT DOE HOLDS WHAT LITTLE HISTORY THERE IS OF OUR EXPOSURES. IN A RECENT WORKERS COMPENSATION HEARING, AN ALLEGED EXPOSURE RECORD WAS USED IN AN OCCUPATIONAL DISEASE CLAIM AGAINST HIM.

WITH REGARD TO THE PROPOSED PHYSICIAN'S PANEL RULE, I BEGAN WRITING MY COMMENTS INDICATING LANGUAGE CHANGES BETWEEN SUBTITLE D OF THE ACT AND THE RULE. THESE CHANGES ARE NUMEROUS. I WISH TO SPEAK IN GENERAL TO THE RULE.

MY EXPERIENCE AS A LOCAL UNION REPRESENTATIVE IN SEVERAL CAPACITIES SINCE 1979 TEACHES ME TO NOTICE WHEN DOE CHANGES THE WORD "SHALL" TO "MUST" THROUGHOUT THIS RULE AND THE ABSENCE OF THE DEFINITION AND THE WORDS OF "ASSIST CONTRACTOR EMPLOYEE". DOE SIMPLY DOES NOT WANT TO ASSUME RESPONSIBILITY FOR ITSELF.

THE SECRETARY'S REVIEW IS ONLY TO DETERMINE IF THE APPLICANT WAS A CONTRACTOR EMPLOYEE AND IF THE APPLICANT MAY HAVE A WORK RELATED ILLNESS. THESE ARE THE ONLY TWO DETERMINATIONS AUTHORIZED BEFORE "THE SECRETARY SHALL SUBMIT THE APPLICATION TO THE PHYSICIANS' PANEL.

THE PHYSICIANS' PANEL DETERMINES WHETHER THE ILLNESS OR DEATH AROSE OUT OF AND IN THE COURSE OF EMPLOYMENT AT A DOE FACILITY.

SUBTITLE D STATES THE SECRETARY SHALL ASSIST THE EMPLOYEE IN OBTAINING ADDITIONAL EVIDENCE RELEVANT TO THE PANEL DELIBERATIONS. THIS IS WHERE DOE WOULD PAY FOR ADDITIONAL EXAMS AND THE EXPENSES TO ATTEND THESE EXAMS, AS WELL AS ANY OTHER INFORMATION THE PHYSICIANS' PANEL WOULD REQUIRE.

THE SECRETARY SHALL ACCEPT THE PANEL'S DETERMINATION IN THE ABSENCE OF

EVIDENCE TO THE CONTRARY. THIS LANGUAGE CLEARLY INDICATES THE BURDEN OF PROOF IS ON THE CONTRACTOR/SUBCONTRACTOR (DOE), NOT THE POTENTIAL CLAIMANT.

THE FIRST SENTENCE OF THE SECOND PARAGRAPH OF THE INTRODUCTION OF THE RULE SHOULD BE RE-WRITTEN. IT INDICATES A WORKER ELIGIBLE FOR FEDERAL COMPENSATION UNDER THE ACT IS EXCLUDED FROM STATE COMPENSATION FOR THIS SAME ILLNESS, WHEN IN FACT, ALL THOSE WHO APPLY FOR FEDERAL COMPENSATION WOULD BE ELIGIBLE FOR STATE COMPENSATION.

WITH RESPECT TO THE LINKAGE TO THE CRITERIA FOR COMPENSATION UNDER STATE WORKERS' COMPENSATION AND DOE'S INTERPRETATION OF SUBTITLE D NOT TO FEDERALIZE THE OPERATION OF THE STATE WORKERS' COMPENSATION STANDARDS;

THE INDICATION THAT THE STATE WILL SET THE VALIDITY AND STANDARDS FOR SCREENING APPLICATIONS FOR SUBMISSION TO THE PHYSICIANS' PANEL IS NOT WHAT IS STATED IN SUBTITLE D OF THE ACT. THE CRITERIA IS SPECIFIC IN THE STATUTE.

THE PURPOSE OF THE AGREEMENT WITH THE STATES IS CLEARLY EXPLAINED IN SUBTITLE D (A) TO ASSIST THE DOE CONTRACTOR EMPLOYEE.

I WOULD THINK THIS ASSISTANCE WOULD BE THAT THE DOE IS TO ASSURE THERE IS DOCUMENTATION OF THE EMPLOYEE AS A CONTRACTOR EMPLOYEE, WHAT TOXIC CHEMICALS THE APPLICANT WAS EXPOSED TO WHEN EMPLOYED AT THE DOE FACILITY, WHERE AND HOW THEY WERE EXPOSED, OBTAIN A PHYSICIAN'S PANEL REVIEW FOR DOCUMENTATION OF CAUSALITY AND HOW THEY BASED THEIR DETERMINATION, AND FOR DOE TO INSTRUCT THE CONTRACTOR/SUBCONTRACTOR NOT TO FIGHT THE CLAIM. THE ASSISTANCE DOE SHOULD ALSO PROVIDE SHOULD BE THAT THE COMPENSATION BE PAID WITHOUT STATE ISSUES OF STATUTE OF LIMITATIONS, LATENCY PERIOD, EXAMS BY INAPPROPRIATE PHYSICIANS OR ANY OF THE OTHER WELL-KNOWN BARRIERS WITH THE STATE WORKERS' COMPENSATION SYSTEMS.

THE VALIDITY OF THE CLAIM, BASED ON ASSISTANCE BY DOE TO PREPARE THIS CLAIM, IS DETERMINED BEFORE ENTERING THE STATE FOR COMPENSATION.

THIS EVIDENCE SHOULD THEN BE PRESENTED TO THE APPLICABLE STATE FOR COMPENSATION PER STATE LAWS.

THE ONLY ISSUE THAT SHOULD BE FEDERAL IS THE USE OF A UNIFORM CAUSALITY STANDARD FOR THE MEDICAL PANEL. THIS SHOULD TRIGGER, WITHOUT CONTEST, PAYMENT FOR THE CLAIM BY DOE'S RESPONSIBLE CONTRACTOR.

AS A MEMBER OF THE WORKER ADVOCACY ADVISORY COMMITTEE, I HAVE VOICED CONCERN OF THE UNWILLING PAYOR ON NUMEROUS OCCASIONS. THIS IS AN EXTREMELY IMPORTANT ISSUE TO MANY OF OUR NUCLEAR FACILITIES. I FIND THE RULE SILENT ON THIS ISSUE. IT IS MY UNDERSTANDING DOE WILL STEP IN AS THE WILLING PAYOR.

IT WAS ALSO MY UNDERSTANDING THAT WHEN A CONSENSUS CANNOT BE REACHED BY A PHYSICIAN'S PANEL, THE APPLICATION WOULD AUTOMATICALLY BE SENT TO A SECOND PANEL.

I WORK WITH THE FORMER WORKER HEALTH PROTECTION PROGRAM AT PORTSMOUTH IN REVIEWING HUNDREDS OF MEDICAL AND WORK HISTORIES OBTAINED FROM OAK RIDGE, THE EXPOSURE RECORDS ARE GENERALLY ZEROED, THE MEDICAL RECORDS FROM THE PLANT ARE WRITTEN TO PROTECT THE PLANT FROM WORKER COMPENSATION CLAIMS AND THE POTENTIAL CLAIMANTS ARE PROVIDED LIST OF DEPARTMENTS THEY WORKED IN. IN OTHER WORDS, THE INFORMATION SUPPLIED BY THE DOE IS LITTERALLY USELESS IN PROVING A WORKERS COMPENSATION CLAIM. OUR WORKERS DO NOT KNOW WHERE THE TOXIC CHEMICALS ARE EVEN LOCATED IN THESE BUILDINGS, LET ALONE REPORT WHEN THEY THINK THEY WERE EXPOSED. THE INDICATION OF THE SPECIAL COHORT STATUS NOT APPLYING TO APPLICANTS FOR A STATE CLAIM PUTS NOT

ONLY US, AS CLAIMANTS IN THE IMPOSSIBLE POSITION OF CLAIMING SOMETHING WE CANNOT PROVE, IT ABSOLUTELY PUTS DOE IN THE POSITION OF ASSISTING THESE CONTRACTOR EMPLOYEES IN THEIR APPLICATION FOR A STATE CLAIM. THIS IS A NECESSITY BEFORE A PHYSICIANS' PANEL CAN MAKE A DETERMINATION. IT IS ALSO A NECESSITY THAT THIS INFORMATION BE SUBMITTED TO NIOSH, AS THEIR INFORMATION IS BASED ON OUTDATED MILITARY EXPOSURES DESIGNED TO NOT INTERFERE WITH THE NUCLEAR ARMS RACE, ETC. THIS DOES NOT GIVE ME A WARM AND FUZZY ON THE RECONSTRUCTION OF DOSES OF ANY TOXIC SUBSTANCES. WE HAVE ASKED THE SELF-REGULATED DOE TO DO THIS. AFTER ALL, THEY ARE THE ONES THAT HOLD THE KEY TO OUR UNKNOWN EXPOSURE HISTORY.